

and patrons shall be clean and freshly laundered and shall not be used for more than one person. Reuse of such items is prohibited unless the same has first been laundered. Such items shall not be laundered or dried in any massage establishment unless such establishment is provided with approved laundry facilities for such laundering and drying. Heavy white paper may be substituted for sheets provided that such paper is used once for every person and then discarded into a sanitary receptacle.

(c) Dressing and locker facilities shall be provided for patrons. Security deposit facilities for the protection of the valuables of the patrons shall also be available. (Code 1961, § 12B.10; Ord. No. 506, § 1, 2-26-73)

#### **Sec. 13-28. Right to enter to inspect.**

The investigating officials of the city, including the health officer, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to enforce compliance with building, fire, electrical, plumbing or health regulations. (Code 1961, § 12B.11; Ord. No. 506, § 1, 2-26-73)

#### **Sec. 13-29. Temporary establishment permits.**

Upon request by an applicant, the city manager shall be authorized to issue a temporary massage establishment permit to any applicant who is the owner or operator of such an establishment in operation in the city on March 30, 1973, pending review and investigation of the application submitted herein. Such temporary permit shall remain in effect for a period of thirty (30) days or until issuance of the permit applied for, unless said permit has been denied for any of the reasons set forth in section 13-22, in which event said temporary permit shall be of no further force and effect. (Ord. No. 506, § 1, 2-26-73)

**Secs. 13-30. 13-40. Reserved.**

### **ARTICLE III. TECHNICIANS**

#### **Sec. 13-41. Permit required.**

It shall be unlawful for any person, including those persons issued a massage

establishment permit pursuant to article II herein, to practice massage as a principal, an employee, agent or otherwise within the city, unless such person has been issued a massage technician permit by the city manager and such permit remains in effect in conformity with the provisions of this chapter. (Code 1961, § 12B.13; Ord. No. 506, § 1, 2-26-73)

#### **Sec. 13-42. Permit application.**

The application for a massage technician's permit shall be made upon a form provided by the city manager and shall set forth the following information:

- (a) The applicant's full name, residential address, and residence telephone number.
- (b) The name and address of the massage establishment where the applicant is to be employed and the name of the owner of same.
- (c) The names and addresses of any and all previous establishments where the applicant has been employed as a massage technician.
- (d) All criminal convictions, if any, other than misdemeanor traffic violations, of the applicant, the nature of each offense and the punishment or penalty assessed therefor.
- (e) Whether any permit to engage in the practice of massage as a massage technician or otherwise has previously been denied the applicant or revoked and, if so, the circumstances of such denial or revocation.
- (f) A portrait photograph of the applicant at least two (2) inches by two (2) inches, taken within sixty (60) days prior to the date of filing of the application, together with a complete set of such person's fingerprints which shall be taken by the chief of police or his designee.
- (g) Written proof that the applicant is over the age of eighteen (18) years.
- (h) A certificate from a medical doctor stating that the applicant has, within thirty (30) days immediately prior to

filing his application herein, been examined and found to be free from any infectious, contagious, communicable disease or venereal disease.

(i) The applicant shall furnish:

- (1) Evidence of receipt of a diploma or certificate of graduation from a recognized school wherein the method, profession, and work of massage techniques are taught; or
- (2) Written proof of the applicant's having had at least one year's experience in the profession, work and method of massage as herein defined. (The alternative is available only to those applicants who have had at least one year's experience in the practice, work and method of massage as herein defined and who were engaged in the practice of massage in the city on March 30, 1973.) (Code 1961, § 12B.13; Ord. No. 506, § 1, 2-26-73)

**Sec. 13-43. Permit investigation and fee therefor.**

An application for an initial massage technician permit or a massage technician trainee permit shall be accompanied by an investigation fee in the sum of fifteen dollars (\$15.00), no part of which shall be refundable. Upon receipt of said application, the city manager shall refer the application to the police department, which, within a period of thirty (30) days from the date of filing such application, shall make an investigation and submit a written recommendation thereon to the city manager concerning compliance with the respective requirements. (Code 1961, § 12B.14; Ord. No. 506, § 1, 2-26-73)

**Sec. 13-44. Issuance or denial of permit.**

The city manager shall issue such permit if upon investigation and the report filed it is found:

- (a) The applicant has not been convicted in a court of competent jurisdiction of:
  - (1) An offense involving lewd conduct; or an offense involving the use of force and violence upon the person of another.

- (2) A crime requiring registration under Section 290 of the California Penal Code, or of any violation of Sections 311 through 311.7, Section 314, 315, 316, 318 or 647(a), (b) or (d) of the Penal Code.

- (b) The applicant has not knowingly and with intent to deceive made any false, misleading or fraudulent statement of facts in the permit application or in any other document required by the city in conjunction therewith.

Otherwise, said permit shall be denied. In the event of denial, notification of and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of registered or certified mail or delivered in person. (Code 1961, § 12B.15; Ord. No. 506, § 1, 2-26-73)

**Sec. 13-45. Expiration of permit; renewal.**

Each massage technician permit issued pursuant to this chapter shall expire on the first anniversary of its issuance, unless sooner revoked. An unrevoked permit may be renewed on a year-to-year basis on written application to the city manager made at least thirty (30) days before its expiration date. Said application shall include all changes in and updating of information previously furnished under section 13-42 herein. Each application shall be accompanied by a current-investigation fee in the sum of five dollars (\$5.00), no part of which shall be refundable. (Code 1961, § 12B.16; Ord. No. 506, § 1, 2-26-73)

**Sec. 13-46. Technician trainee permits.**

- (a) Any person currently enrolled in a recognized school may apply for a massage technician trainee permit which shall be a temporary permit. In addition to the payment of the investigation fee required by section 13-43 and the information required under section 13-42, the applicant shall submit a letter signed by the director or administrator of the applicant's recognized school showing the date the applicant was officially enrolled and the estimated date the applicant will graduate.

(b) The applicant shall also submit a letter signed by the owner or operator of a massage establishment, stating his willingness to employ the applicant to do massage as a massage technician trainee, working under his direct supervision and control, during the time the applicant is completing the course of study as a massage technician.

(c) The massage technician trainee permit shall expire ninety (90) days from the date issued and is not renewable, except in the case of sickness or accident causing delay of such massage training. The applicant is expected to complete his massage technician course of study during the ninety (90) day period the permit is valid. The trainee shall, at all times, comply with all laws and ordinances in effect and the failure to so comply may render the applicant ineligible to obtain a massage technician's permit. Upon presentation of a copy of his diploma or certificate of graduation from a recognized school the trainee will be issued the regular massage technician permit. (Code 1961, § 12B.17; Ord. No. 506, § 1, 2-26-73)

#### **Sec. 13-47. Suspension or revocation of technician permit.**

Any massage technician permit issued under this chapter shall be subject to suspension or revocation by the city manager

for violation of any provision of this chapter or for any grounds that would warrant the denial of the issuance of such permit in the first instance. Prior to the suspension or revocation of any permit issued under this chapter, the permittee shall be entitled to a hearing held before the city manager or his designated representative, at which time evidence will be received for the purpose of determining whether or not such permit shall be suspended or revoked or whether the permit may be retained. In the event the permit is suspended or revoked, the notification of and reasons for such suspension or revocation shall be set forth in writing and sent to the permittee by means of registered or certified mail or delivered in person. (Code 1961, § 12B.21; Ord. No. 506, § 1, 2-26-73)

#### **Sec. 13-48. Existing technicians.**

All persons engaged in or giving massage in the city on March 30, 1973, who cannot qualify for a massage technician permit shall have a period of thirty (30) days within which to qualify as a massage technician trainee and obtain a massage technician trainee permit by making application therefor, paying the investigation fee, and then complying with the provisions of section 13-46 hereof. (Code 1961, § 12B.18; Ord. No. 506, § 1, 2-26-73)

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